

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 1647

Attorney Docket No. STK-1 DIV-3

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

TECH CENTER 1600/2900

APR 18 2002

RECEIVED

In re application of: John C. Lee and Lee-Chuan C. Yeh  
Application No. : 09/287,500  
Confirmation No. : 6377  
Filed : April 7, 1999  
For : COMPOSITIONS AND THERAPEUTIC METHODS  
USING MORPHOGENIC PROTEINS AND  
STIMULATORY FACTORS  
Group Art Unit : 1647  
Examiner : David Romeo

Hon. Commissioner for Patents  
Washington, D.C. 20231

NOTICE OF APPEAL

Sir:

Applicant(s) hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed October 9, 2001 in which the rejection of claims 69-71, 74-80, 83-87, 90, 91, and 102-105 was made final.

- [ ] Applicant(s) respectfully requests an oral hearing before the Board of Appeals. The appropriate fee is submitted herewith.
- [X] The appropriate fee for a three - month extension of time to respond to the final rejection was timely paid on April 9, 2002.
- [ ] An additional \_\_\_\_\_-month extension of time to respond to the final rejection is requested and the appropriate extension fee is submitted herewith.

[X] Address all correspondence to:

James F. Haley, Jr.  
(Registration No. 27,794)  
Attorney for applicants  
FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000

[X] A check in the amount of [X] \$320.00 [ ] \$600.00 in payment of the [X] appeal fee, [ ] appeal and oral hearing fees, is enclosed.

[X] The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

[ ] Please charge [ ] \$320.00 [ ] \$600.00 to Deposit Account No. 06-1075 in payment of the [ ] appeal fee; [ ] appeal and oral hearing fees. A duplicate copy of this Notice of Appeal form is enclosed.

#### EXTENSION FEE

[X] The following extension fee is applicable to the Notice of Appeal filed herewith; [X] \$920.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a).

[X] A check in the amount of [X] \$920.00 in payment of the extension fee is transmitted herewith.

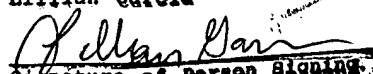
[X] The Director is hereby authorized to charge payment of any additional fee required under 37 C.F.R. § 1.17, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

[ ] Please charge the [ ] \$110.00; [ ] \$400.00; [ ] \$920.00; [ ] \$1,440.00; [ ] \$1,960.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.



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I Hereby Certify that this  
Correspondence is being  
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PATENTS P.O. Box 2327  
ARLINGTON, VA. 22202 on

Apr. 19, 2002  
Lillian Garcia  
  
Signature of Person Signing